OCT 2 9 2010

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JULIA, C. DUDLEY, CLERK BY:

JEFFERY ALLEN HART,)
Petitioner,) Case No. 7:10CV00483
v.))) <u>FINAL ORDER</u>
SOUTHWEST VIRGINIA REGIONAL JAIL,) By: Glen E. Conrad) Chief United States District Judge
Respondent.)

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice, and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 29 day of October 2010.

Chief United States District Judge